

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1025 of 1984

with

FIRST APPEAL No 1024 of 1992

with

First Appeal 1026 of 1984

with

First Appeal 2345 of 1994

with

First Appal 2436 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA and

MR.JUSTICE S.D.PANDIT

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SHAHIBAG INVESTMENTS LTD

Versus

AMC

Appearance:

M/S MG DOSHIT & CO for the Petitioners in all.

MR SI NANAVATI for Respondent No. 1

MR SI NANAVATI for Respondent No. 1 in F.As.1025/84
& 1026/84

Mr.B.P.Tanna, for respondent no.1 in F.As.2345 and
2436 both of 1994.

CORAM : MR.JUSTICE N.J.PANDYA and

MR.JUSTICE S.D.PANDIT

Date of decision: 20/08/96

ORAL JUDGEMENT

Whether the premises are owner occupied or tenant
occupied, the matter has to be remanded. No doubt, the

case of the appellants is that they have appealed as owner in respect of the premises which are rented out. This fact is disputed by the other side. However, the remand is pursuant to the decision of this Court reported in 35(2) GLR 1498. As the matter now will be before the trial Court, it is left open to the parties to agitate the aforesaid factual aspect as to the premises being occupied by the tenant or the owner, as the case may be and this question will also be decided along with other questions on the basis of the material produced and in accordance with law. All the aforesaid appeals are disposed of accordingly with no order as to costs.
